IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.1198 OF 2004

Suhas Pilaji Gawas ..Petitioner

Vs.

The Union of India and Anr. ..Respondents

Dr. V.K. Choudhari Advocate for Petitioner
Mr.M.I.Sethna, Spl. Counsel with Mr. D.A. Dubey
i/b. Mr. S.S. Sanke Advocate for Respondents

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 11TH MARCH, 2005.

P.C.

. The Petitioner was selected to the post of Sepoy. It appears that he was earlier working on temporary basis. Before the letter of appointment could be issued to him he was charged in criminal case of theft. In view of that the letter of appointment was not handed to him. As can be noted from the communication dated 16th January, 1992, it was set out therein that it is kept pending till final judgment. The Respondent thereafter by letter dated 24th March, 1995 was informed that his appointment for Sepoy was not considered on administrative grounds and the appointment letter was cancelled.

. It appears, thereafter that the Petitioner was acquitted by the Criminal Court and it is only

after that did the Petitioner seek the reliefs by filing Original Application being No.1063 of 1997. The Tribunal noted that the reasons given for condonation of delay were not satisfactory and in view of that refused to condone the delay.

. The Petitioner would have no right to be appointed considering that the letter of appointment was issued to him even though he is not selected. In the instant case before a letter of appointment was issued he was charged for criminal offence. The letter of 24th March, 1995 itself indicates that his application for appointment was not considered on administrative grounds. In these circumstances the Tribunal refused to condone th delay. We do not think that it would be a fit case for us to interfere in the exercise of our extra ordinary jurisdiction. Hence, Petition rejected.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)